

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

THE ESTATE OF DARIUS F.	)	
GHAHARY through its Administratrix	)	
DARIUS A. GHAHARY,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-21-0002-F
	)	
UNITED STATES OF AMERICA,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**


Pursuant to the court’s January 6, 2021 order (doc. no. 26), Paul Faugno of Faugno & Associates, located in Hackensack, New Jersey, was deemed withdrawn as plaintiff’s counsel as of January 21, 2021, for failure to show association with local counsel as required by LCvR83.3(a), and plaintiff was required to secure the entry of appearance by new counsel by February 3, 2021. The court specifically advised plaintiff, in the January 6, 2021 order, that failure to secure the entry of appearance by new counsel may result in the dismissal of plaintiff’s action without prejudice.

To date, no entry of appearance by new counsel has been filed. Therefore, the court concludes that plaintiff’s action should be dismissed without prejudice pursuant to Rule 41(b), Fed. R. Civ. P., for failure to comply with the court’s January 6, 2021 order. Olsen v. Mapes, 333 F.3d 1199, 1204 n. 3 (10<sup>th</sup> Cir. 2003) (“Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua

sponte for a plaintiff's failure to . . . comply with the . . . court's orders.") (citation omitted).

Accordingly, the above-captioned action is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b), Fed. R. Civ. P., for failure to comply with the court's January 6, 2021 order.

IT IS SO ORDERED this 5<sup>th</sup> day of February, 2021.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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